

REMARKS

Applicants have reviewed and revised the specification for the above-identified application as to minor matters of form. Applicants respectfully request reconsideration and allowance of the above-captioned application.

The Office Action of April 19, 2005, includes an objection to claim 12 suggesting that it should be written in independent form. Applicants respectfully submit that this form of claim is quite common and sanctioned in MPEP § 608.01(n)(III), paragraph bridging pages 600-80 – 600-81. Accordingly, withdrawal of this rejection is respectfully requested.

The Office Action includes rejection of claims 1-15 under 35 U.S.C. § 103 as allegedly being unpatentable over the Bjornson et al. patent (U.S. Patent No. 6,173,210). This rejection is respectfully traversed.

The invention recited in claim 1, for example, of the present application includes *inter alia* “a processor ... for calculating through use of the product specific data and the received plant specific data a total economic improvement based on repair cost savings and at least one of increased productivity earnings and energy cost savings; and presentation means for presenting the total economic improvement calculated by the processor.” Method claim 7 and graphic user interface claim 14 have similar features.

In marked contrast to the present claims, the Bjornson et al. patent is directed to an apparatus and method for selecting a mechanical seal. The overwhelming majority of the patent deals with the technical information and tolerances used to design or select a seal for an existing or new pump. It does not mention the economics of seal selection and only includes a few mentions of price or cost. For

instance, column 5, lines 33-36, the cost of seal selection is identified as being a problem. Also, the cost of a seal and its installation are identified as a factor in column 1, lines 50-56, and errors in the selection process are identified as being sources of increased cost in column 2, lines 40-43. The system of the Bjornson et al. patent apparently presents a proposal which includes, among other things, price information as identified in the Abstract's last sentence and claim 11 thereof.

However, the Bjornson et al. patent is silent as to any mechanism as to the total economic improvement based on repair cost savings and at least one of increased productivity earnings and energy cost savings as these terms are met in the context of the claims.

The Office appears to recognize that the Bjornson et al. patent is silent as to the economic based data but suggests it is well known to maximize profits by minimizing repair and replacement costs. Even if one were to accept this very broad proposition as being relevant, it would not lead one of ordinary skill in the art to the specifics of the present invention. It is reiterated that claim 1 includes the use of information such as plant specific data (e.g., the number of rotating machines in a plant), calculating through the use of the product specific data and the received plant data a total economic improvement based on the repair cost savings and at least one of increased productivity earnings and energy cost savings. While it may be true that it is well known goal to maximize profits by minimizing repair replacement costs, articulation of this broad goal is not the same as the specific system, method and graphic user interface of the independent claims, the recitations of which include calculating the total economic improvement based on repair cost savings and at least one of increased productivity earnings and energy cost savings. In fact, these

aspects are not even identified in the applied art as relevant factors. Even if these were known as relevant factors at the time of the present invention, they would not necessarily be used in the manner suggested in the present invention as recited in the claims.

In summary, the simple proposition that one might be motivated to reduce repair costs would not result in the system, method or graphic user interface, stand alone, as these embodiments of the invention are recited in the pending claims.

In view of the foregoing, Applicants respectfully request reconsideration and allowance of the above-captioned application. Should any residual issues exist, the Examiner is invited to contact the undersigned at the number listed below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: July 11, 2005

By: 

Charles F. Wieland III
Registration No. 33,096

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620